



Indiana Department of Education  
SUPPORTING STUDENT SUCCESS

**Indiana Association of Public  
School Superintendents  
Indianapolis, Marriott East**

**December 5, 2008**

**Proportionate Share:  
Nonpublic School Service Plans**

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# Changes Made for Parentally Placed Nonpublic School Students

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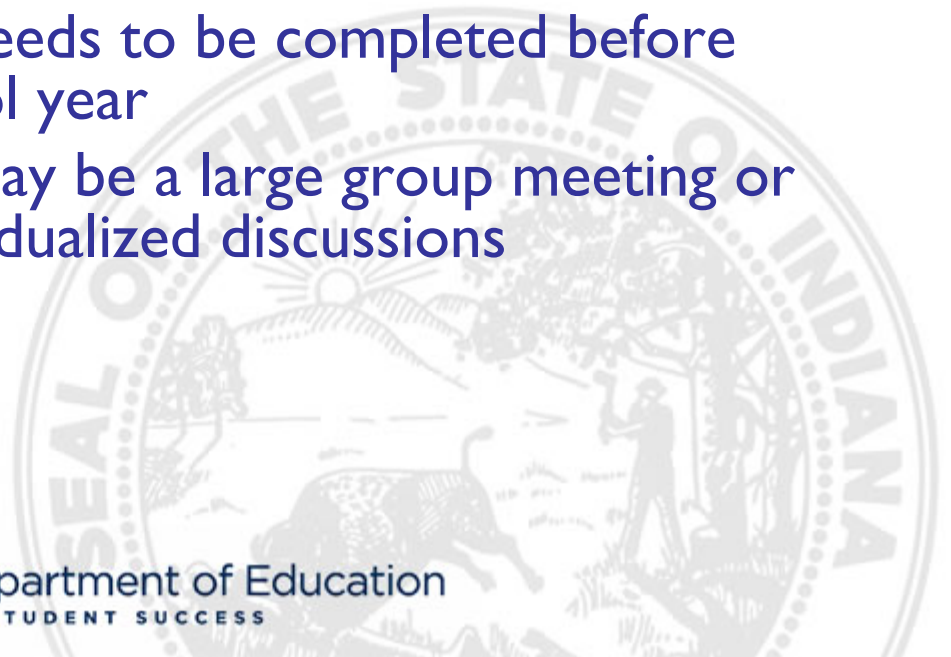
- Rule 34 within the new Article 7 is specifically written to address the needs of parentally placed nonpublic schools
- Preschool children with disabilities aged 3-5 can be considered parentally-placed children under IDEA only if they are enrolled in a private school that is considered an elementary school
  - Elementary School
    - A school that provides any combination of kindergarten and grades 1 through 8



# Timely Consultation

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- **TIMELY**
  - “...during the design and development of special education services for the students. ...”
- **What is taken into consideration to ensure a timely consultation?**
  - The consultation process needs to be completed before the start of each new school year
  - The consultation process may be a large group meeting or may be smaller, more individualized discussions



# Meaningful Consultation

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- **MEANINGFUL**

- “Afford all parties a genuine opportunity to express their views and have those views considered by the public agency”
- Indiana has defined “meaningful consultation” as “a thoughtful participation in an exchange of views that goes beyond the simple receipt of information from one party”

- **What is taken into consideration to ensure a meaningful process?**

- Meeting participants need to be engaged in the process
- Candid discussions about what services are needed for the students and how the LEA can best meet those needs
- LEAs should be prepared. Have an agenda and necessary handouts to facilitate discussion



# Parent Involvement

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“Each LEA must consult with nonpublic school representatives and representatives of parents of parentally-placed children with disabilities”

How will an LEA ensure parent involvement?

- Nonpublic schools are probably in the best position to identify parents
  - Provide Flyer or Invitation to send home
  - Post Notice in a nonpublic school’s newsletter or website
- LEAs are ultimately responsible for ensuring that parents are invited

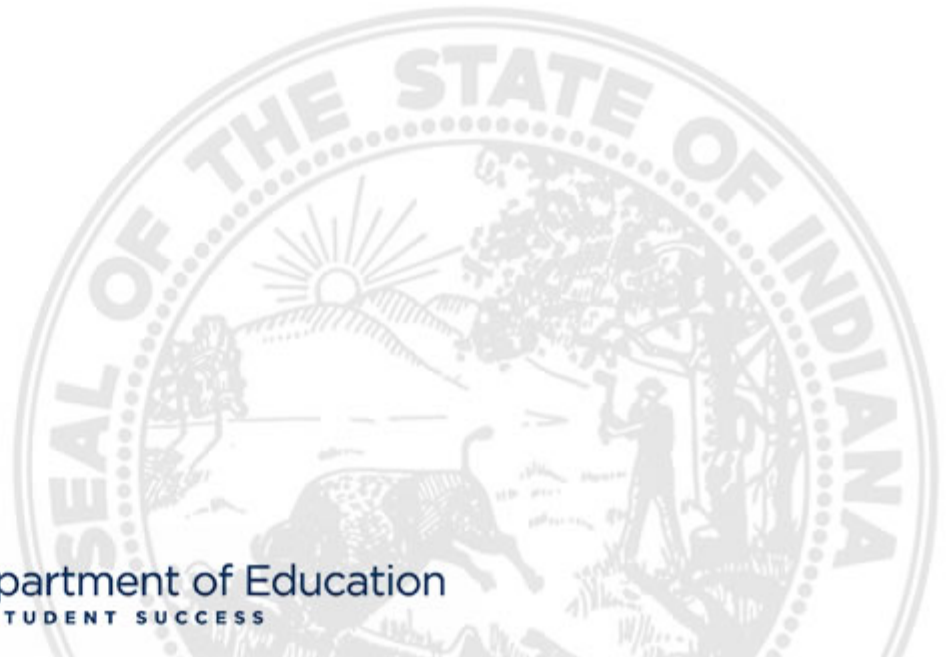


# Consultation Meeting Requirements

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## I. Child Find Process

- LEAs must discuss how it will be conducting the Child Find process
- LEAs must discuss how interested parties will be informed of the process



# Consultation Meeting Requirements (continued)

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## 2. Determining Proportionate Share of Part B funds available

- LEAs must disclose how much of its Federal Part B funds have been allocated to parentally-placed nonpublic school students
  - By May, LEAs are informed of the Part B, IDEA Pass-Through Funding from the Center for Exceptional Learners
  - The due date for LEA's Part B Grant Application (with the Center) is mid-August every year
  - Each LEA should know the proportionate share amount by July 1 of each year (the date on which they may begin spending that grant cycle's dollars)
- LEAs must disclose how the Proportionate Share amount was determined





# Consultation Meeting Requirements (continued)

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3. Determining how the consultation process will operate throughout the school year
  - LEAs must describe the procedures it will use throughout the school year to ensure that those students identified through the child find process can meaningfully participate in special education and related services
    - How will new referrals for possible students occur?
    - How will the review of the student's educational record take place?
    - If a suspected Specific Learning Disability, how will response to interventions be documented?

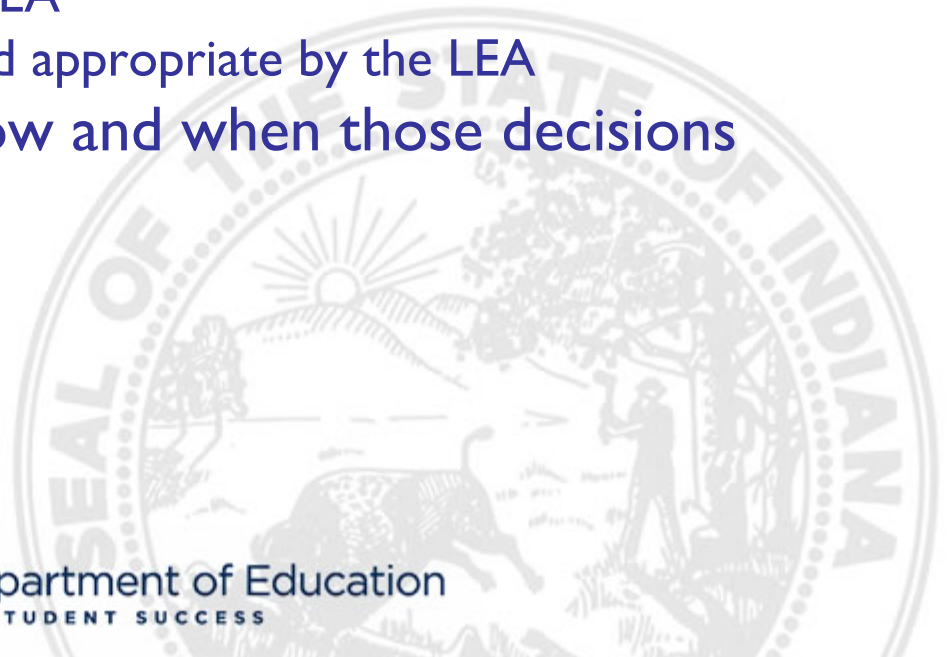




# Consultation Meeting Requirements (continued)

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4. Determining how, where, and by whom services will be provided
  - LEAs must describe the types of services that will be provided during the school year
    - Consultation and Collaboration
    - Direct services at the LEA
    - Other methods deemed appropriate by the LEA
  - LEAs must describe how and when those decisions will be made



# Consultation Meeting Requirements (continued)

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## 5. The disagreement process (for the LEA)

- If the LEA disagrees with the views of the nonpublic school officials regarding the types of services to be provided and/or how those services will be provided, the LEA will provide a written explanation to the nonpublic school
  - Of the reasons why the LEA chose not to provide services directly or through a contractual arrangement
    - The *Consultation Meeting* is a discussion of what types of needs the eligible students who attend the nonpublic school have
    - The *Consultation Meeting* is not ‘reaching consensus’ regarding the types of services to be provided by the LEA



# Affirmation Process

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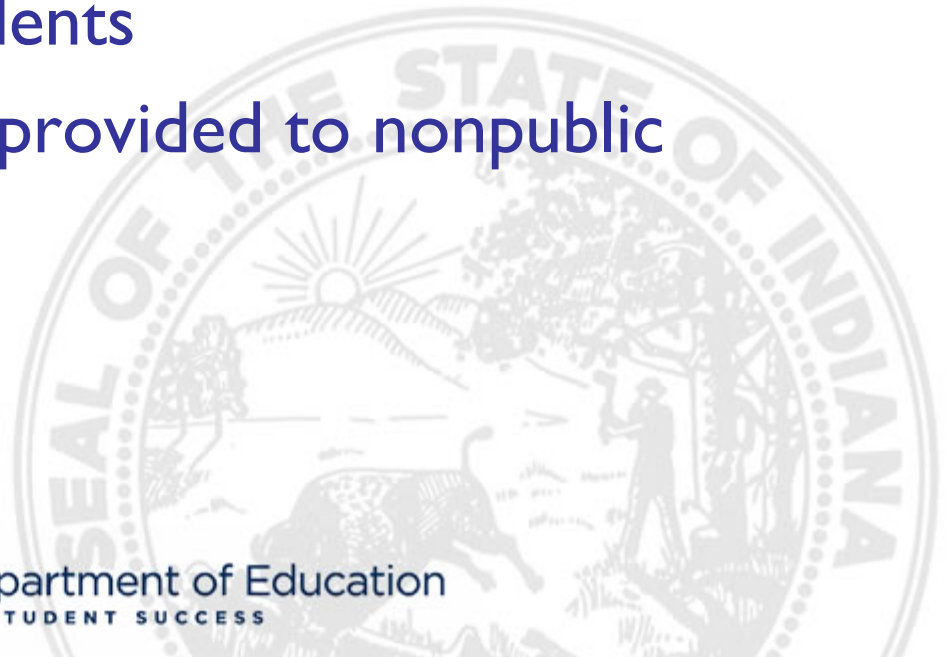
- LEAs must obtain written affirmations from the nonpublic school representatives in attendance at the Consultation Meeting, indicating:
  - The five (5) required components were discussed and
  - The Consultation Meeting was timely and meaningful
- If the LEA does not receive signed written affirmations within 20 instructional days of the date of the Consultation Meeting, the LEA must forward documentation of the consultation process to the Center
  - Date/Location/Time of the Consultation Meeting
  - Listing of nonpublic school representatives who did not sign the written affirmation



# Final Decisions After Consultation Meeting

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- After the Consultation Meeting(s), the LEA makes the final decisions regarding:
  - The types of services that will be provided to nonpublic school students
  - How services will be provided to nonpublic school students



# Final Decisions After Consultation Meeting

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- If an LEA chooses not to accept the recommendations of the nonpublic school officials, it must provide to the officials a written explanation of the LEA's reasons
  - Article 7 does not specify a time frame for this
  - Must occur prior to the commencement of services to the student(s) enrolled in the nonpublic school



# Educational Evaluations

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- If a student attends a nonpublic school outside of the student's school corporation of legal settlement, the parent may choose to have the evaluation conducted by:
  - The LEA where the nonpublic school is located
  - The LEA of legal settlement
- If the LEA where the nonpublic school is located is not the LEA of legal settlement yet conducts the evaluation the LEA must explain to the parent:
  - The concept of a FAPE
  - That the LEA of legal settlement must offer FAPE to an eligible student



# Educational Evaluations

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- If the LEA where the nonpublic school is located is also the LEA of legal settlement:
  - The LEA must offer an eligible student a FAPE
  - The LEA must document this offer in writing
- If, after having the concept of FAPE explained to them the parent decides to continue the eligible student's enrollment in the nonpublic school, the student is entitled to services from the LEA where the nonpublic school is located





# Indiana's Additional Requirements

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- Article 7 requires some level of services to be offered to every parentally-placed nonpublic school student
- Because parentally-placed nonpublic school students generate state special education fund – APC funds – it is permissible for LEAs to use a combination of state and federal funds to meet its service obligation under Article 7
  - Each service plan is based on the services determined as a result of the Consultation Meeting
  - A service plan may be composed of indirect services



# Consultation and Collaboration

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## **511 IAC 7-32-19 "Consultation and collaboration" defined**

Sec. 19. "Consultation and collaboration" means services provided to parentally-placed students in nonpublic schools who are eligible for special education and related services. These services include, but are not limited to, the following:

- (1) Development of a service plan as specified in 511 IAC 7-34-5(e).
- (2) Periodic communication between the teacher of record and the nonpublic school regarding the goals contained in the student's service plan. Periodic communication must occur at least as often as, and in conjunction with, the periodic reports required in subdivision (3).

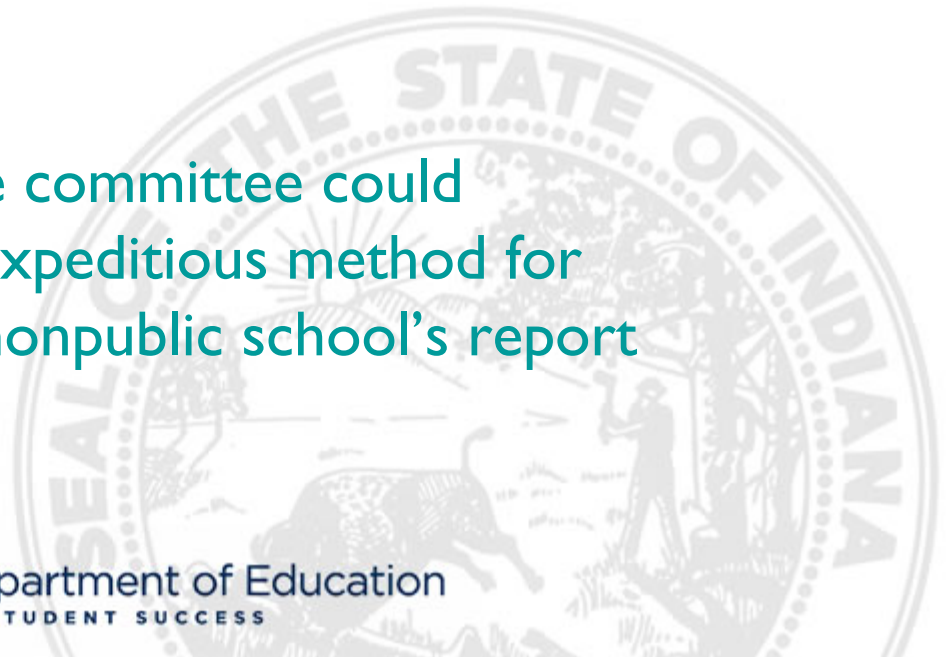


# Consultation and Collaboration

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(3) Periodic reports from the teacher of record to the student's parent specifying how the student is progressing toward the goals contained in the student's service plan. The reports must occur on the same schedule as the nonpublic school's report cards are sent to parents.

**NOTE:** If appropriate, the committee could determine that the most expeditious method for these reports will be the nonpublic school's report cards.



# Consultation and Collaboration

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(4) Collaboration, which may include opportunities for professional development on topics such as the following:

- (A) Accommodations.
- (B) Differentiated instruction.
- (C) Universal design.
- (D) Instructional or behavioral management techniques.
- (E) Identification, adaptation, and utilization of the following:
  - (i) Materials.
  - (ii) Equipment.
  - (iii) Instructional aids.
- (F) Response to scientific, research based interventions.
- (G) Other topics addressing the needs of the student.



# Service Plans

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A service plan must include the following:

1. A statement of the student's present levels of educational performance.
2. A statement of measurable annual goals related to the services that will be provided, describing what the student can be expected to accomplish within 12 month period.
3. A statement of the special education and related services and supplementary aids and services to be provided to the student or, on behalf of the student, by the LEA, or supports for school personnel that will be provided.



# Service Plans (continued)

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4. If applicable, a statement regarding the student's participation in statewide or district assessments, including documentation of any appropriate testing accommodations that will be utilized by the student.
5. The projected dates for initiation of services by the LEA and the anticipated length, frequency, location, and duration of services.
6. A statement of the student's progress toward annual goals including how the parents will be informed of the progress.





# Overview of How It Works

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- Timely and Meaningful Consultation Meeting
- Affirmation of Consultation Meeting
- LEA Provides written description of services to be provided
- School service planning meetings are held to develop service plans for eligible students
  - Parents must be informed of right to FAPE
  - Service plans based on services described in LEA written description of services to be provided





# Overview of How It Works (continued)

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- Service plans are written for all eligible students
  - Could be indirect provision of services
  - Could be based on a presumed derived benefit of services agreed to (e.g., personnel development for staff)
- Service plans are monitored
  - Could be a separate written report that the team agrees the parent will receive
  - Could be the routine report card provided by the nonpublic school if parent and LEA representative so determine



# Services Provided

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- The services described in a service plan, including materials and equipment must be:
  - Secular
  - Neutral
  - Nonideological
- The services in a service plan may be provided by employees of the LEA or through contractual arrangements by the LEA and may be provided at:
  - The nonpublic school or facility
  - The public school
  - A neutral site



# Record Keeping Requirement

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- LEAs must maintain in its records and provide to the SEA the following information:
  - The number of nonpublic school students evaluated;
  - The number of nonpublic school students determined to be children with disabilities; and
  - The number of nonpublic school students served
- Each LEA must spend a proportionate amount of its Part B funds on parentally-placed nonpublic school children ages 3-21
- The proportionate share is based on the number of eligible students with disabilities
- Transportation costs may be included in the calculation of the LEA's proportionate share whereas costs for implementing child find (including the cost of educational evaluations) may not be included



# Calculating Proportionate Share

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The LEA must:

1. Divide the number of eligible parentally-placed nonpublic school students by the total number of student with disabilities (public school and nonpublic school students with disabilities)
2. The quotient obtained in #1 above is multiplied by the public agency current Part B sub-grants
3. The product in #2 above equals the public agency's proportionate share amount of Part B Funds that must be spend on eligible parentally-placed nonpublic school students



# Example: Proportionate Share

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- The Colts School Corporation has 2000 special education students, and 100 of these special education students are parentally-placed nonpublic school students. The school corporation received a Part B, §1411 (f) Sub-grant that totals 3 million dollars.

$$100 \div 2000 = .05 \quad \rightarrow \quad .05 \times \$3,000,000 = \underline{\$150,000}$$



# Parental Due Process Rights

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- A parent of an eligible nonpublic school student has the right to a due process hearing only if the dispute involves:
  - Child find
  - The appropriateness of an educational evaluation or reevaluation of an eligible student
  - The determination of eligibility for special education and related services



# Parental Due Process Rights (continued)

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- A parent of a nonpublic school student has the right to file a complaint with the Center regarding:
  - Evaluation process
  - Whether they were informed of the right to FAPE
  - The process used to develop a school service plan
  - Other sections of Article 7 as deemed applicable





# Right of Nonpublic School to Submit a Complaint

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- A nonpublic school official has the right to submit a complaint to the SEA, alleging the LEA did not:
  - Engage in consultation that was timely and meaningful; or
  - Give due consideration to the views of the nonpublic school officials.



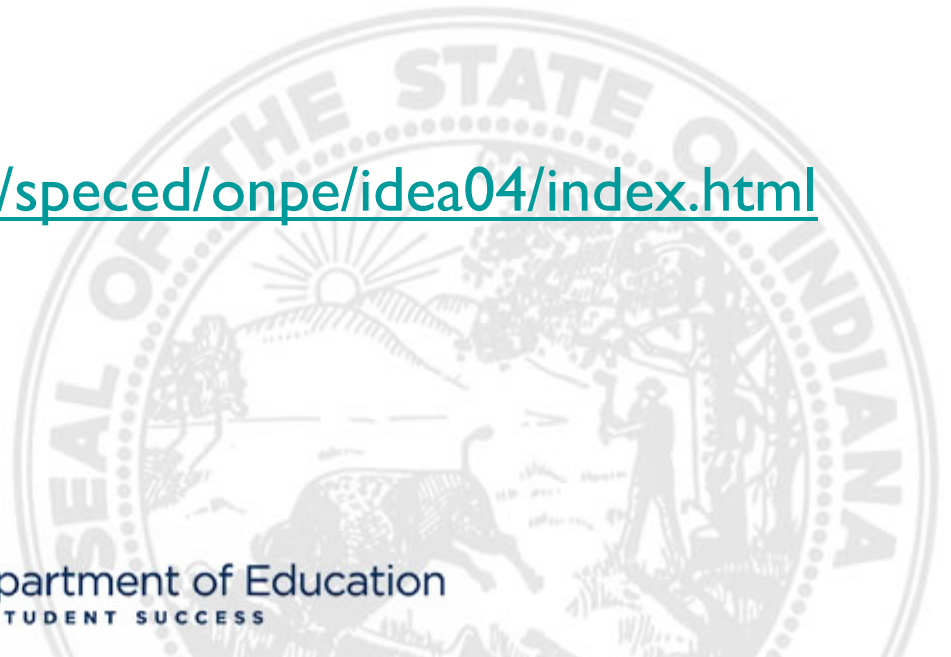
# Additional Resources

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<http://www.ed.gov/about/offices/list/oii/nonpublic/index.html>

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C5%2C>

<http://www.ed.gov/parents/needs/speced/onpe/idea04/index.html>



<http://idea.ed.gov/explore/home>



#### Browse Major Topics

- Alignment with the No Child Left Behind Act
- Discipline
- Disproportionality
- Early Intervening Services (EIS)
- Evaluation and Reevaluation
- Funding
- Highly Qualified Teachers (HQT)
- Identification of Specific Learning Disabilities
- Individualized Education Program (IEP)
- Monitoring and Enforcement
- National Instructional Materials Accessibility Standard (NIMAS)
- Part C Option
- Private Schools
- Procedural Safeguards
- Secondary Transition

## Welcome to the U.S. Department of Education, Office of Special Education Programs' (OSEP's) IDEA website.

This site was created to provide a "one-stop shop" for resources related to IDEA and its implementing regulations, released on August 3, 2006. It is a "living" website and will change and grow as resources and information become available. When fully implemented, the site will provide searchable versions of IDEA and the regulations, access to cross-referenced content from other laws (e.g., the No Child Left Behind Act (NCLB), the Family Education Rights and Privacy Act (FERPA), etc.), video clips on selected topics, topic briefs on selected regulations, links to OSEP's Technical Assistance and Dissemination (TA&D) Network and a Q&A Corner where you can submit questions, and a variety of other information sources. As items are completed and added to this site, we invite you to grow and learn with us as we implement these regulations.

#### Search

Entire Site

GO

#### Helpful Links

- TA&D Network
- Assessment Tool Kit
- Q&A Corner  
(Click here to submit a question)
- Event Calendar
- Document Archive

#### News

##### Provisions Related to Children with Disabilities Enrolled by their Parents in Private Schools

Released in February 2008 by the U.S. Department of Education [this publication](#) discusses IDEA 2004 and the provisions related to children with disabilities enrolled by their parents in private schools.

##### IDEA 2004 Training Modules Available Now

Training modules on IDEA 2004 are now available including recently



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